

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition for Declaratory Ruling: Lawfulness of Incumbent Local Exchange Carrier Wireless Termination Tariffs)	CC Docket No. 01-92
)	
Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers)	CC Docket No. 95-185
)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996)	CC Docket No. 96-98
)	
Petition of US LEC Corp. for Declaratory Ruling Regarding LEC Access Charges for CMRS Traffic)	CC Docket No. 01-92
)	

**COMMENTS OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA),¹ through the undersigned and pursuant to the *Public Notice* released by the Federal Communications Commission's (FCC's or Commission's) Wireline Competition Bureau (WCB)² and pursuant to sections 1.415 and 1.419 of the Commission's rules,³ hereby submits its comments on the Petitions.

In the Petition filed by T-Mobile USA, Inc., Western Wireless Corporation, Nextel Communications, and Nextel Partners (CMRS Petitioners), the CMRS Petitioners request the "Commission to enter a declaratory ruling reaffirming that wireless termination tariffs are not a proper mechanism for establishing reciprocal compensation arrangements for the transport and

¹ USTA is the Nation's oldest trade organization for the local exchange carrier industry. USTA's carrier members provide a full array of voice, data and video services over wireline and wireless networks.

² *Public Notice*, CC Docket No. 01-92, DA 02-2436 (rel. Sept. 30, 2002) soliciting comment on the Petition for Declaratory Ruling: Lawfulness of Incumbent Local Exchange Carrier Wireless Termination Tariffs filed by T-Mobile USA, Inc., Western Wireless Corporation, Nextel Communications, and Nextel Partners and the Petition of US LEC Corp. for Declaratory Ruling Regarding LEC Access Charges for CMRS Traffic (collectively the Petitions).

termination of telecommunications under the Communications Act” and “to enter an order directing ILECs to withdraw any wireless termination tariffs in existence today or, alternatively, to declare such tariffs unlawful, void and of not effect.”⁴ In the Petition filed by US LEC Corp., it requests the Commission “to enter a declaratory ruling reaffirming that local exchange carriers (‘LECs’), whether incumbent local exchange carriers (‘ILECs’) or competitive local exchange carriers (‘CLECs’), are entitled to recover access charges for interexchange traffic that passes from commercial mobile radio service (‘CMRS’) providers to interexchange carriers (‘IXCs’) (or vice versa) via the network of the LEC.”⁵

USTA urges the Commission to refrain from addressing these Petitions individually as they have been presented to the Commission and to give them consideration as part of the broader Intercarrier Compensation proceeding,⁶ which is before the Commission now. Because the Petitions raise matters that are integrally related to matters that are already being addressed in the broader Intercarrier Compensation proceeding, it is appropriate for the Commission to address the matters raised in the Petitions as it addresses the broader Intercarrier Compensation proceeding. Moreover, in following such a course of action, the Commission’s efforts would be directed efficiently at resolving all parts of the whole intercarrier compensation matter in a manner that ensures a more unified, comprehensive result than if the Commission were to address intercarrier compensation issues in piece parts. With the exception of emphasizing that

³ 47 C.F.R. §§1.415 and 1.419.

⁴ *Petition for Declaratory Ruling: Lawfulness of Incumbent Local Exchange Carrier Wireless Termination Tariffs; Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket Nos. 01-92, 95-185, 96-98, Petition for Declaratory Ruling at 1-2 (Sept. 6, 2002).

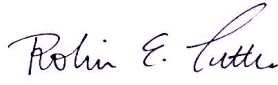
⁵ *Petition of US LEC Corp. for Declaratory Ruling Regarding LEC Access Charges for CMRS Traffic*, CC Docket No. 01-92, Petition for Declaratory Ruling of US LEC CORP. at 1 (Sept. 18, 2002).

⁶ *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Notice of Proposed Rulemaking (rel. Apr. 27, 2001) (Intercarrier Compensation).

carriers should be able to appropriately recover their costs,⁷ USTA does not address here the substantive complaints raised in the Petitions.

Respectfully submitted,

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⁷ In comments filed by USTA in the Intercarrier Compensation proceeding, USTA noted that “regulatory arbitrage, technology and market demands raise concerns as to how important issues will be addressed under a bill and keep compensation arrangement. Given that cost recovery responsibilities would be shifted among carriers, customers, services and locations, appropriate recovery of costs is critical for carriers to maintain and increase infrastructure investment. Carriers that rely on revenues received from current compensation arrangements that could be displaced must have an equal opportunity to recover costs from alternate sources. End user pricing flexibility will be required. In areas where end user recovery could result in prices that are not affordable and reasonably comparable, universal service support will be required. . . . Timing of any change in compensation arrangements is critical to ensure that carriers maintain revenues necessary to serve customers and attract new ones and to allow time to change current network structures as necessary. Finally, the efficiency gains from changing the current compensation arrangements will be diluted to the extent that current regulatory handicapping and platform discrimination is not stripped everywhere from the FCC’s rules.” *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Comments of the United States Telecom Association (Aug. 21, 2002).